

Herbert A. Viergutz, Esq.
Barokas Martin & Tomlinson
1029 West Third, Suite 280
Anchorage, AK 99501
Phone: (907) 276-8010
Facsimile: (907) 276-5334
Attorneys for United States Fidelity and Guaranty Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH STAR TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING & HANDLING, and NORTH STAR TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING & HANDLING, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, and SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, on its own behalf,

Intervening Plaintiffs,

No. 3:98-cv-9 (HRH)

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK PRODUCTS, INC.; UNITED STATES FIDELITY AND GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

MOTION TO STRIKE PLAINTIFF'S OPPOSITIONS TO UNITED STATES FIDELITY AND GUARANTY COMPANY'S MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S BAD FAITH CLAIM; MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S STATE LAW CLAIMS RE: STATUTE OF LIMITATION; MOTION TO BAR THE INTRODUCTION OF MR. CALLOW'S OPINION, TESTIMONY, AND REPORT; AND MOTION OR SUMMARY JUDGMENT ON PLAINTIFF'S PUNITIVE DAMAGE CLAIM

COMES NOW the Defendant, United States Fidelity & Guaranty Company (USF&G), and herein moves to strike Oppositons which may be filed to USF&G's Motion for Summary Judgment on Plaintiff's Bad Faith Claim; Motion for Summary Judgment on Plaintiff's State Law Claims Re: Statute of Limitations; Motion to Bar the Introduction of Mr. Callow's Opinion, Testimony, and Report; and Motion for Summary Judgment on Plaintiff's Punitive Damage Claim. This Motion is supported by Memorandum filed herewith. An appropriate Order is lodged with the Court.

Dated this 19th day of May, 2006.

/s Herbert A. Viergutz

Barokas Martin & Tomlinson
1029 West Third, Suite 280
Anchorage, AK 99501
Phone: (907) 276-8010
Facsimile: (907) 276-5334
barmar@gci.net
Alaska Bar No. 8506088

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document was served by electronic notification on this 19th day of May, 2006, to:

Michael W. Sewright, Esq.
Burr, Pease & Kurtz
810 N Street
Anchorage, AK 99501

Paul Stockler, Esq.
1309 West 16th Avenue
Anchorage, AK 99501

Traeger Machetanz, Esq/Tom Krider, Esq.
Oles Morrison Rinker & Baker, LLP
745 4th Avenue, Suite 502
Anchorage, AK 99501-2136

Steven J. Shamburek, Esq.
Law Office of Steven J. Shamburek
425 G Street, Suite 630
Anchorage, AK 99501-5872

/s Herbert A. Viergutz